UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.339
27 March 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventeenth session

SUMMARY RECORD OF THE 339th MEETING

Held at Headquarters, New York,
on Wednesday, 9 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

97-81630 (E)

/...

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (continued) (CEDAW/C/LUX/1 and CEDAW/C/LUX/2)

1. At the invitation of the Chairperson, Mrs. Mulheims (Luxembourg) took a place at the Committee table.

Article 5

2. Ms. GONZALEZ requested statistics on violence against women, especially spousal violence, and on violence against children. It would be helpful to know whether national legislation provided specific penalties for those particular forms of domestic violence.

Article 6

3. Ms. BUSTELO GARCÍA DEL REAL asked what steps were being taken to deal with the increase in street prostitution. It would be useful to know whether native or foreign women were responsible for that increase and whether Luxembourg was collaborating with third States, particularly those in Europe, to suppress the traffic in women. She would welcome clarification of the quota system for the granting of residence permits to non-nationals of European Union member States. She wondered how effective that system was and whether it did not make women who were illegally resident in Luxembourg subject to greater abuse by networks of traffickers. The situation seemed all the more unsatisfactory since, during the investigation of such networks, illegal aliens were expelled before they could testify against the individuals who had forced them into prostitution. She would welcome information on the steps being taken to amend the current legislation with a view to more effectively suppressing the networks of traffickers.

Article 7

4. Ms. CARTWRIGHT requested information on the numbers of women in the judiciary and the legal profession in Luxembourg and on the steps being taken to increase those numbers if the proportion of women was less than half.

Article 10

5. Ms. SATO noted that the report made no mention of institutions of higher learning. She would welcome information on access to university education in Luxembourg, the numbers of male and female university graduates, the proportions of males and females receiving scholarships and the university drop-out rate for males and females.

Article 11

6. Ms. BUSTELO GARCÍA DEL REAL requested gender-disaggregated data on the total economically active population, the number of unemployed and underemployed persons and the number of part-time workers, and the recent evolution of those trends in Luxembourg. She wondered what steps were being taken to reflect non-remunerated work in the national accounts of Luxembourg, as recommended by the Fourth World Conference on Women. The Committee would also welcome gender-specific data on the number of persons in receipt of retirement pensions and the median amount of such pensions. Finally, it would be useful to know whether the national legislation provided a clear definition of indirect discrimination, whether there had been any changes in the burden of proof required to substantiate claims of such discrimination and what progress had been made to guarantee the right to equal pay for equal work, particularly in those sectors in which large numbers of women were traditionally employed.

7. Ms. CORTI asked whether there was discrimination in the private sector against women who were hourly wage earners and if so what steps the Ministry of Labour envisaged to put an end to such discrimination. She wondered whether there had been resistance to the implementation of the principle of equal pay for equal work, whether sexual harassment on the job was prevalent and what legislation was in force or envisaged to combat it. She wished to know, further, whether there were differences in the paid vacation entitlements of men and women in the public and private sectors and why special leave was granted only to private sector workers. She would also welcome an explanation of the difference in the parental leave entitlement for private and public sector workers and information on the steps that were being taken to eliminate those discrepancies.

8. Ms. FERRER said that the high statistical incidence of female unemployment was probably accounted for in some degree by the fact that part-time workers, a large number of whom were women, were defined as unemployed. On the subject of equal pay for equal work, it would appear from the figures given in the two reports of Luxembourg that the wages earned by women in the private sector as a proportion of that earned by men had declined in recent years. It would be helpful if information could be provided on the measures that were being taken to correct that situation. She would also welcome an explanation of why fewer unemployed women than men were registered with public employment agencies and why women remained on the register of employment seekers for longer periods than men. Finally, she wondered what steps were being taken to ensure equality of access for men and women to employment, education, health care and other spheres of national life.

9. Ms. JAVATE DE DIOS noted that the Act of 27 July 1987 provided significant benefits for the parents of a newborn or adopted child. She wondered whether women in Luxembourg availed themselves of benefits under the Act to a greater extent than men. She hoped that in future men would increasingly share the burden of parental responsibility with women.

10. She wished to know whether migrant women in Luxembourg received the same Government support in the areas of education, social and health benefits, employment benefits and labour rights as nationals of Luxembourg. It was not

/...

clear from the report whether employers were required to provide day-care facilities for their staff. If such a law existed, it would be interesting to know how effectively it was being implemented.

11. With regard to the training of women in technical and scientific fields, she wondered whether efforts were being made to prepare women for jobs in more highly paid sectors. Carefully designed programmes must be put in place, including gender tracking and the setting of specific goals in target sectors, so that the impact of the programmes could be measured over time.

12. Ms. SHALEV noted that the laws governing abortion in Luxembourg were punitive in nature. She wondered whether those laws were enforced in practice and, if they were not enforced, whether it might not be advisable simply to abolish them. She observed that contraceptives were not reimbursed under current health insurance schemes. Since abortion was illegal, it would seem more logical to make contraceptives as widely available as possible. Even in the limited circumstances in which abortion was allowed, however, and where it was included under health insurance coverage, women preferred to travel abroad to terminate their pregnancies. It would be interesting to know the reasons for such a situation.

13. In her view, reproductive health services, including pap smears and infertility therapy, should be part of the primary health care system. There was need for a gender-focused analysis of the health care system since the health needs of men and women were different. Such an analysis should cover the rate of infection of women with the HIV/AIDS virus and provide data on the ages of those infected and the means of infection. She welcomed the establishment of the programme to provide health care services to prostitutes infected by sexually transmitted diseases. She wondered, however, whether health care was provided to victims of domestic violence, who were not always covered under the regular health insurance schemes, and whether health professionals who provided services to the victims of domestic violence received special training.

14. By way of general comment, she noted that the reports were rich in description of legal provisions but suffered from a lack of statistics, which were of great importance to the Committee. She hoped that the delegation would be able to fill in those gaps in its replies to the oral questions.

15. Ms. ABAKA said that, according to Luxembourg's initial report, between 1978 and 1988 mortality due to breast cancer had increased by 34.6 per cent. The report further stated that only 35 per cent of the women who had been invited to participate in a programme to screen women for breast cancer using mammography were doing so. There was a need to demystify breast cancer and make women aware of the need for early detection. The report did not give a clear picture of Luxembourg's health policy, especially with respect to women's health and reproductive rights, nor did it mention the 1994 International Conference on Population and Development.

16. The report stated that, while abortion was still banned in principle, it was punishable only by a fine, and she wished to know who was fined: the woman or the doctor who performed the abortion? It would be useful to have statistics on the number of abortion cases that had been brought before the courts.

According to the report, the ban on abortion was softened by article 1 of the Act of 15 November 1978, which stated that "where [the woman] is acting under the influence of special distress, there shall be no violation", and she wished to know who determined whether or not the woman was in distress. It was unfortunate that there were no figures regarding the number of abortions performed in Luxembourg, since the Committee needed statistics in order to analyse trends; it was also very important to keep such statistics in the interests of medicine and science, even if they were not required by law.

17. She wished to know why a doctor's prescription was needed in order to obtain contraceptives. She noted that the proportion of births to mothers under 20 years of age had dropped from 7.8 (1968-1971) to 2.8 (1989-1991) per 100 births. That was a very healthy trend, and the Government of Luxembourg should provide detailed information on how such positive results had been achieved.

18. The report stated that there were no large-scale activities in the area of HIV/AIDS prevention that targeted only women. In that regard, she drew the attention of the Government of Luxembourg to the Committee's general recommendation No. 15, which dealt with HIV/AIDS and its repercussions on women. She hoped that Luxembourg's next report would contain more information on that important health issue.

19. It would be useful to have disaggregated statistics on the number of doctors, dental surgeons and pharmacists in Luxembourg. She requested statistics on work-related accidents and diseases among women, and the health needs of migrant women. It was important to address the issue of drug addiction among women and to provide information on measures to prevent and combat such addiction.

20. Ms. GONZALEZ said that, according to the report, it seemed that the only causes of mortality among women were breast and cervical cancer, and she requested the representative of Luxembourg to provide information on other causes of mortality among mothers and women in general. She wished to know what measures had been taken or were contemplated to combat HIV/AIDS, and what were the most common sources of infection. The initial report referred to annexes dealing with HIV infection among women, and she wished to know where those annexes could he obtained. She inquired why such an advanced country as Luxembourg did not make contraceptives available to the public free of charge, since that would help not only to avoid unwanted pregnancies but also to prevent HIV infection.

21. Ms. FERRER said that, according to the initial report, family benefits were paid to parents in order to compensate them for the expenses resulting from the child or children. She inquired whether there had been any evaluation of the Act of 19 June 1985 concerning family benefits, especially since in practice, in the absence of any instructions to the contrary, benefits were paid to the father. The representative of Luxembourg should indicate whether any inequalities or complaints from women had been registered with regard to the implementation of the Act, and whether single mothers received child-care benefits.

Article 14

22. Ms. OUEDRAOGO said Luxembourg's initial and second periodic reports did not provide sufficient information on the situation of rural women or describe what specific measures or programmes targeting rural women had been implemented. In particular, the Government of Luxembourg should provide statistics on the difference between the income of rural women vis-à-vis that of urban women.

Article 15

23. Ms. GONZALEZ said that the initial report stated that the family home was especially protected and one spouse could not dispose of or mortgage the property or any other real right thereto without the consent of the partner. In that regard, she wished to know whether common-law couples enjoyed the same rights as couples who had been married in church or by a justice of the peace.

Article 16

24. Ms. SHALEV wished to know why a woman could not enter into a new marriage until 300 days had elapsed since her husband's death. It seemed that the purpose of that restriction was to prevent illegitimate children. However, if the woman's new spouse had any doubt as to who was the father of the child, tests to establish paternity could be conducted. In any case, the 300-day waiting period was outdated and too restrictive.

25. The report stated that natural children had the same rights as legitimate children as long as their blood relationship had been legally established. She wished to know how blood relationship was established and whether there had been any problems in that regard. The representative of Luxembourg should provide information on the legal procedures for establishing paternity and also the legal impediments experienced by children whose fathers refused to acknowledge them. She inquired whether there were any sex education programmes that stressed male responsibility.

26. Ms. GONZALEZ said that she had been very surprised to learn that Luxembourg made such a distinction between legitimate and natural children, especially in the light of the adoption of the Convention on the Rights of the Child. She suggested that the representative of Luxembourg should encourage legislative reform with a view to abolishing that distinction. The report stated that, under article 334.2 of the Civil Code, "a natural child shall take the surname of the parent with whom his affiliation was first established", and she inquired whether it was possible that two persons could claim paternity of the child and whether that accounted for the Civil Code's emphasis on the parent with whom the child's affiliation was first established. She asked whether a child had to be registered or if it had to be established that the child was the son or daughter of a particular man and woman in order for the child to take the father's family name. She wished to know what the situation would be if a woman wanted the child to use her own family name rather than the father's.

The meeting rose at 4.30 p.m.